

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

JENNIFER L. PRYOR,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of the
Social Security Administration,
Defendant.

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Case No. 2:11CV00032 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Commissioner Michael J. Astrue's Motion to Remand the case to the Commissioner for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g) [ECF No. 11].

Sentence six provides that:

The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security

42 U.S.C. § 405(g). Commissioner Astrue argues that remand is proper because significant portions of the hearing recording are inaudible. Commissioner Astrue asserts that if the case is remanded, the Appeals Council will remand the case to an Administrative Law Judge to conduct a de novo hearing in order to produce a complete record.

The Court agrees that without a full and accurate account of the hearing, the administrative record is not complete. This procedural defect is good cause for remand. The Court remands this case pursuant to sentence six of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that Commissioner Astrue's Motion for Remand [ECF No. 11] is **GRANTED**.

Dated this 18th day of October, 2011.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE